

**REMARKS:**

The Applicants hereby affirm the election of Group I which includes claims 1 - 44 drawn to a vinyl aromatic/diolefin block copolymer composition. In affirmation of this election, the claim that is directed to the non-elected invention (claim 45) has been canceled.

Claims 1-44 have been rejected under 35 U.S.C. § 112, second paragraph, because the Examiner is of the opinion that the limitation "void of thermoplastic resins" in claims 1 and 29 is contradictory to the requirement for the presence of a vinyl aromatic/diene block copolymer since these materials are often referred to in the art as "thermoplastic" elastomers. On July 29, 2005, Alvin T. Rockhill, the attorney for the Applicants, discussed this rejection with Examiner Jeffrey Mullis during a telephone interview. Mr. Rockhill explained that a distinction between thermoplastic resins and elastomers was made in the specification at page 10, line 27 to page 11, line 4. It was agreed that the rejection made under 35 U.S.C. § 112, second paragraph, could be overcome by amending claim 1 to include the language "wherein said thermoplastic resins are not retractable to their original shape after being stretched and released beyond their yield point." This language is supported by the language discussed in the specification at page 10, line 27 to page 11, line 4.

Claim 19 was rejected under 35 U.S.C. § 112, second paragraph, because the polymer is referred to as a "terpolymer" even though it only includes two monomers rather than three. Claim 19 has been canceled rendering moot this basis of rejection.

Claims 1-8, 11, 13, 14, 17, 18, 29, 30, 32, 36 and 40-44 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sakaki et al. Claims 10, 12, 15, 16, 19, 20, 22-28, 31, 38 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakaki et al, in view of Medsker et al, Coran et al and Medsker. However, the Examiner has indicated that claims 9, 20, 21, 33-35, and 37 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The limitation of claim 9 has been incorporated into claim 1 which should accordingly make it allowable. Claims 20, 21, 34 and 37 have been redrafted in independent form as new claims 46, 47, 48 and 49. Every other claim now pending in the subject patent application is directly or indirectly dependent on one of these allowable claims. Accordingly, every claim now pending in the subject patent application is in a condition for allowance. New claims 50-55 correspond to original claims 2-7, new claims

56-60 correspond to original claims 40-44, and new claims 61-62 correspond to original claims 2-3.

In this amendment, the Applicants have canceled seventeen original claims and have added seventeen new claims. Accordingly, no additional fees are believed to be required based on the total number of claims pending in the subject patent application. The Applicants have also canceled three independent claims as originally filed and have added four new independent claims. Accordingly, the \$200.00 fee associated with filing one additional independent claim is believed to be due. The Commissioner is hereby authorized to deduct the \$200.00 fee associated with adding this additional independent claim from Deposit Account No. 07-1725. The Commissioner is also hereby authorized to charge any additional fees which may be required pursuant to 37 CFR § 1.16 and/or 37 CFR § 1.17, or credit any overpayment, to deposit account No. 07-1725.

Allowance of the subject patent application is respectfully requested.

Respectfully submitted,



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